

AMENDMENTS TO THE DRAWINGS

One replacement sheet of FIG. 3 is attached following page 19 of this paper. The Applicant has amended the text appearing in boxes 301 and 304 so that the text corresponds to the disclosure in paragraph [39] of the present application. Therefore, the Applicant submits that no new matter has been entered by the attached replacement sheet of FIG. 3.

REMARKS / ARGUMENTS

The present application includes pending claims 1-30, all of which have been rejected. By this Amendment, claims 1-3, 6-8, 10-13, 16-18, and 20-30 have been amended, as set forth above, to further clarify the language used in these claims and to further prosecution of the present application. The Applicant respectfully submits that the claims define patentable subject matter.

Claims 1-30 stand rejected under 35 U.S.C. § 102(e) as being anticipated by US Patent № 6,574,240, issued to Tzeng (hereinafter, Tzeng). The Applicant respectfully traverses these rejections at least based on the following remarks.

REJECTION UNDER 35 U.S.C. § 102

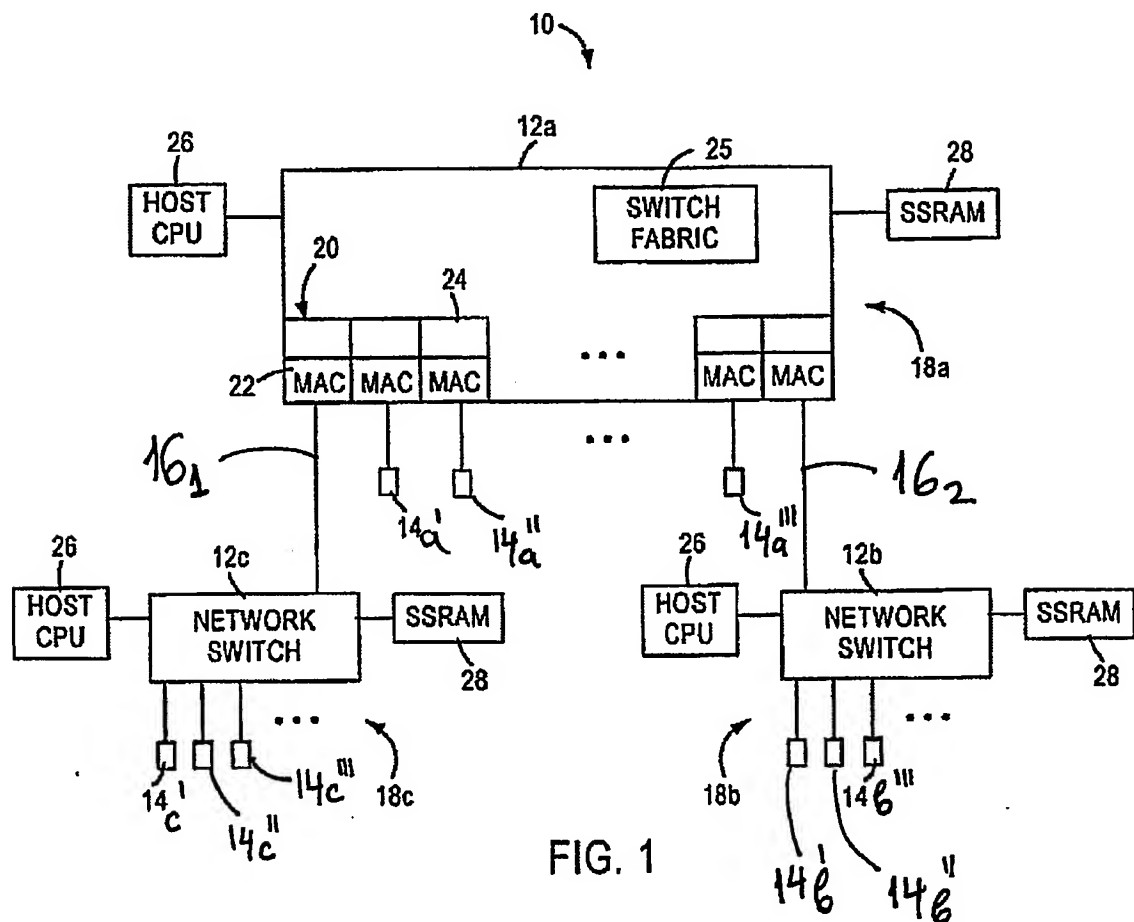
I. Tzeng Does Not Anticipate Claims 1-30

The Applicant now turns to the rejection of claims 1-30 under 35 U.S.C. 102(e) as being anticipated by Tzeng. With regard to the anticipation rejections under 102(e), MPEP 2131 states that “[a] claim is anticipated only if **each and every element** as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” See Manual of Patent Examining Procedure (MPEP) at 2131 (internal citation omitted). Furthermore, “[t]he identical invention must be shown in as complete detail as is contained in the ... claim.”

See id. (internal citation omitted).

A. Rejection of Independent Claim 1 under 35 U.S.C. § 102 (e)

The following annotated FIG. 1 of Tzeng will be used in Applicant's argument.



With regard to the rejection of independent claim 1 under 35 U.S.C. § 102(e), the Applicant submits that Tzeng does not disclose or suggest at least the

limitation of “receiving at least one packet from a first blade server of a plurality of blade servers, **at least two of which are coupled to a common switch via a common bus,**” as recited by the Applicant in independent claim 1 (emphasis added).

The Final Office Action refers for support to Tzeng and states the following:

As per claims 1, 11, and 21 Tzeng discloses a method for communicating information in a server, the method comprising: receiving at least one packet from a first blade server of a plurality of blade servers, at least a portion of which is coupled to a common bus; (Col 4 lines 22-30); determining at least one identifier associated with at least a second blade server based on at least a portion of said received at least one packet; and (Col 5 lines 46-59); routing at least a portion of said at least one received packet to at least said second blade server. (Col 6 lines 4-18).

See the Final Office Action at page 5. The Final Office Action relies on col. 4, lines 22-30 of Tzeng, which states the following:

FIG. 3 is a flow diagram illustrating an example of the type of layer 3 processing that might be performed for an incoming data packet. The flow diagram of FIG. 3, conventionally implemented in software, would involve checking whether the incoming data packet was a hypertext transport protocol (HTTP) packet in step 50, an SNMP packet in step 52, or a high-priority packet in step 54. The appropriate tag would then be assigned identifying the packet in steps 56, 30 57, 58, or 60.

With regard to the above citation of Tzeng (col. 4, lines 22-30), the Applicant points out that Figure 3 of Tzeng illustrates exemplary layer 3 processing for an incoming data packet. In addition, this citation of Tzeng does not disclose

receiving of a data packet from a blade server. In fact, Tzeng also does not disclose a plurality of blade servers, where at least two of the blade servers are coupled to a common switch via a common bus.

In the Advisory Office Action, the Examiner has interpreted Tzeng's network stations 14 (14a', 14a'', 14a''', 14b', 14b'', 14b''', 14c', 14c'', and 14c''') to broadly cover Applicant's "blade server" claim limitation. In addition, the Examiner has interpreted Tzeng's Ethernet links 16 (16₁ and 16₂) to broadly cover Applicant's "common bus" claim limitation. See the Advisory Office Action at page 2. Even assuming for the sake of argument that this interpretation is correct, the Examiner's argument is still deficient.

For example, referring to above annotated FIG. 1 of Tzeng, the Applicant points out that each of the Ethernet links 16₁ and 16₂ (equated by the Examiner to Applicant's "common bus") couple the multiport switches 12a-12c, and **the Ethernet links 16₁ and 16₂ do not couple any of the network stations 14a', 14a'', 14a''', 14b', 14b'', 14b''', 14c', 14c'', and 14c''' (equated by the Examiner to Applicant's "blade server"). Furthermore, the network stations 14a', 14a'', 14a''', 14b', 14b'', 14b''', 14c', 14c'', and 14c''' (equated by the Examiner to Applicant's "blade server") are not coupled to a common switch via an Ethernet links 16₁ and 16₂ (equated by the Examiner to Applicant's "common bus").**

Assuming for the sake of argument that Applicant's "common switch"

is equated to any one of Tzeng's network switches (e.g., 12a), then Tzeng is sufficiently distinguished since none of the network stations 14a', 14a'', and 14a''' are coupled to the switch 12a via any of the Ethernet links 16₁ and 16₂.

Assuming for the sake of argument that Applicant's "common switch" is equated to any one of Tzeng's switch fabric modules (e.g., switch fabric 25), then Tzeng is again sufficiently distinguished since none of the network stations 14a', 14a'', and 14a''' are coupled to the switch fabric 25 via any of the Ethernet links 16₁ and 16₂.

Therefore, the Applicant maintains that Tzeng does not disclose or suggest at least the limitation of "receiving at least one packet from a first blade server of a plurality of blade servers, at least two of which are coupled to a common switch via a common bus," as recited by the Applicant in independent claim 1. Accordingly, independent claim 1 is not anticipated by Tzeng and is allowable. Independent claims 11 and 21 are similar in many respects to the method disclosed in independent claim 1. Therefore, the Applicant submits that independent claims 11 and 21 are also allowable over the references cited in the Office Action at least for the reasons stated above with regard to claim 1.

B. Rejection of Dependent Claims 2-10, 12-20 and 21-30

Based on at least the foregoing, the Applicant believes the rejection of independent claims 1, 11 and 21 under 35 U.S.C. § 102(e) as being anticipated by

Tzeng has been overcome and request that the rejection be withdrawn. Additionally, claims 2-10, 12-20 and 21-30 depend from independent claims 1, 11, and 21, respectively, and are, consequently, also respectfully submitted to be allowable.

Applicant also reserves the right to argue additional reasons beyond those set forth above to support the allowability of claims 1-30.

CONCLUSION

Based on at least the foregoing, the Applicant believes that all claims 1-30 are in condition for allowance. If the Examiner disagrees, the Applicant respectfully requests a telephone interview, and request that the Examiner telephone the undersigned Attorney at (312) 775-8176.

The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to the deposit account of McAndrews, Held & Malloy, Ltd., Account No. 13-0017.

A Notice of Allowability is courteously solicited.

Respectfully submitted,

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/Ognyan I. Beremski/

Ognyan Beremski, Esq.
Registration No. 51,458
Attorney for Applicant

MCANDREWS, HELD & MALLOY, LTD.
500 WEST MADISON STREET, 34TH FLOOR
CHICAGO, ILLINOIS 60661
(312) 775-8000

/ OIB